

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KFD ENTERPRISES, INC., a California  
Corporation dba Norman's Dry Cleaner,

Plaintiffs,

vs.

CITY OF EUREKA,

Defendant.

Case No. C 08-04571 MMC

**ORDER VACATING APRIL 9, 2010  
HEARINGS**

And Related Counterclaims, Cross-Claims,  
and Third-Party Claims.

Before the Court is plaintiff KFD Enterprises, Inc.'s ("KFD") Motion for Leave to File Third Amended Complaint ("MLA"), filed February 12, 2010. Defendant Environmental Resolutions, Inc. ("ERI") has filed opposition, to which KFD has replied.<sup>1</sup> Also before the Court is defendant, third-party defendant and cross-defendant ERI's Motion for Judgment on the Pleadings, filed February 26, 2010. Plaintiff KFD Enterprises ("KFD") and cross-claimant Winzler & Kelly, have filed oppositions to ERI's motion, to which ERI has separately replied. Additionally, third-party plaintiff Unocal Corporation, cross-claimant Union Oil Company of California, and their corporate parent, Chevron Corporation, have

<sup>1</sup> Defendants R.R. Street & Co., Inc. and Multimatic, LLC have filed statements of non-opposition to KFD's motion; no other parties have responded to the motion.

1 jointly filed opposition to ERI's motion, to which ERI has replied.<sup>2</sup>

2 Having read and considered the papers filed in support of and in opposition to the  
3 pending motions, the Court deems the matters appropriate for decision thereon and hereby  
4 VACATES the hearing scheduled for April 9, 2010.

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6 **IT IS SO ORDERED.**

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8 Dated: April 7, 2010

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MAXINE M. CHESNEY  
United States District Judge

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<sup>2</sup> ERI and cross-claimant City of Eureka ("the City") have filed a stipulation by which  
28 the City will file a Third Amended Complaint as against ERI.